

AMENDED IN ASSEMBLY JUNE 16, 2014

AMENDED IN ASSEMBLY JUNE 9, 2014

AMENDED IN SENATE MAY 1, 2014

SENATE BILL

No. 1467

Introduced by Committee on Business, Professions and Economic Development (Senators Lieu (Chair), Berryhill, Block, Corbett, Galgiani, Hernandez, Hill, Padilla, and Wyland)

March 25, 2014

An act to amend Sections 5000, 5070, 5070.5, 5093, 5096, 5096.4, 6730.2, 6735, 6759, 7011.4, ~~7685~~, 7842, 7860, 8771, 17901, 17913, 17914, 17916, and 22454 of, and to add Sections 7864 and 8725.1 to, the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

SB 1467, as amended, Committee on Business, Professions and Economic Development. Professions and vocations.

(1) Under existing law, the California Board of Accountancy licenses and regulates accountants. *The board consists of 15 members, and of those the Governor is required to appoint 7 members who are licensees representing a cross section of the accounting profession with at least 2 members representing a small public professional firm, as defined.* Existing law prohibits a person from engaging in the practice of public accountancy in this state unless he or she holds either a valid permit issued by the board or a practice privilege, as specified. Existing law requires an applicant for registration to furnish satisfactory evidence that the applicant is entitled to registration.

This bill would *delete the requirement that 2 of the board members represent a small public professional firm. The bill would authorize the*

board to collect, but not require, a valid electronic mail address at the time of application for, or renewal of, a certified public accountant license. The bill would provide that these electronic mail addresses shall not be considered public records and would prohibit these electronic mail addresses from being disclosed pursuant to specified provisions of law, unless required pursuant to a court order.

Existing law sets forth education, examination, and experience requirements for a certified public accountant license, and requires an applicant to show, to the satisfaction of the board, that he or she has one year of qualifying experience, including any type of service or advice involving the use of accounting, attest, compilation, management advisory, financial advisory, tax, or consulting skills. Existing law requires the experience to have been performed in accordance with applicable professional standards in order to qualify, and to be completed under the supervision or in the employ of a person licensed to engage in the practice of public accountancy, as specified.

This bill would authorize the board, by regulation, to allow experience in academia to satisfy the one-year requirement described above.

Existing law, until January 1, 2019, authorizes an individual whose principal place of business is not in this state and who has a valid and current license, certificate, or permit to practice public accountancy from another state to engage in the practice of public accountancy in this state under a practice privilege without obtaining a certificate or license, if certain conditions are met. Existing law subjects an individual who holds a practice privilege to certain requirements, including, among others, that the individual shall notify the board of any pending criminal charges, other than a minor traffic violation, in any jurisdiction.

This bill would instead subject an individual holding and exercising a practice privilege in this state to the requirements described above. The bill would also require the individual to report the criminal charges described above to the board in writing within 30 days of the date the individual has knowledge of those charges.

Existing law, until January 1, 2019, authorizes the board to administratively suspend an individual's right to practice in this state under a practice privilege at any time by an order issued by the board or its executive officer, without prior notice or hearing, for the purpose of conducting a disciplinary investigation, proceeding, or inquiry concerning the representations made in the notice, the individual's competence or qualifications to practice under practice privileges, failure to timely respond to a board inquiry or request for information or

documents, or under other conditions and circumstances provided for by board regulation. Existing law, beginning January 1, 2019, additionally requires the board to consult the Public Company Accounting Oversight Board (PCAOB) and the United States Securities and Exchange Commission on an every 6-month basis to identify out-of-state licensees who may have disqualifying conditions, or may be obliged to cease practice, and to disclose whether those out-of-state licensees are lawfully permitted to exercise the privilege. Existing law provides that disclosure of this information is not to be considered discipline.

This bill would instead require the board to consult with the PCAOB and the United States Securities and Exchange Commission at least once every 6 months, as specified, until January 1, 2019, and would delete those provisions after that date.

This bill would make technical, nonsubstantive changes, and would delete an obsolete provision.

(2) The Professional Engineers Act provides for the regulation and licensure of professional engineers by the Board for Professional Engineers, Land Surveyors, and Geologists. Existing law requires all civil engineering plans, calculations, specifications, and reports to be prepared by, or under the responsible charge of, a licensed civil engineer, as specified.

This bill would require all civil engineering plans, calculations, specifications, and reports for the construction of all hospitals and other medical facilities having surgery and emergency treatment areas, and all public school facilities, to be prepared by, or under the responsible charge of, a licensed civil engineer who is also licensed as a structural engineer.

Existing law requires an applicant for registration as a professional engineer, among other things, to furnish evidence of 6 years or more of qualifying experience in engineering work, as specified, and to successfully pass the second division of the licensure examination. Existing law authorizes the board to issue a certificate of registration as a professional engineer, without a written examination, to a person holding a certificate of registration issued by another state or country if the applicant's qualifications meet the requirements of the act. For purposes of these provisions, the act requires equivalent second division examinations to be 8-hour written examinations prepared or administered by a state or territory, as specified.

This bill would delete the requirement that an equivalent second division examination be an 8-hour examination.

(3) Under the Contractors' State License Law, the Contractors' State License Board licenses and regulates contractors. Under existing law, there is within the board a separate enforcement division that is required to rigorously enforce the act. Existing law specifies that persons employed as enforcement representatives in this division, and designated by the Director of Consumer Affairs, are not peace officers and are not entitled to safety member retirement benefits.

This bill would make technical, nonsubstantive changes to these provisions.

~~(4) Existing law, the Funeral Directors and Embalmers Law, regulates licensed funeral establishments and requires that they be operated by a licensed funeral director who is required to provide written information regarding funeral services and prices to consumers, as specified. Existing law requires a licensed funeral establishment that maintains an Internet Web site to also post on its Internet Web site the list of funeral goods and services that are required to be included in its general price list, as specified, and requires that information to be provided by a link from the homepage of its Internet Web site, except as specified. A violation of the act is a misdemeanor.~~

~~This bill would require that link to use the words "price information" or a similar phrase that includes the word "price." Because the bill would establish a new crime, the bill would create a state-mandated local program.~~

~~(5)~~

(4) Under the Geologist and Geophysicist Act, the Board for Professional Engineers, Land Surveyors, and Geologists registers and regulates professional geologists and professional geophysicists and certifies applicants in specialties in geology and geologists-in-training. Existing law requires an applicant seeking certification as a petroleum geologist to meet certain requirements including, among other things, having performed a minimum of 3 years of professional geological work under the supervision of a registered petroleum engineer.

This bill would delete the provisions relating to petroleum geologists described above. The bill would also make technical, nonsubstantive changes to one of these provisions.

Existing law, under the Geologist and Geophysicist Act, sets forth procedures for the discipline of a registrant or certificate holder, as specified, subject to provisions governing administrative proceedings.

This bill would set forth additional procedures that would apply to a registrant or certificate holder who has been subject to discipline and who petitions the board for reinstatement or modification of penalty, as specified.

(6)

(5) Existing law, the Professional Land Surveyors' Act, provides for the licensing and regulation of professional land surveyors by the Board for Professional Engineers, Land Surveyors, and Geologists. The act requires that land survey monuments be set sufficient in number and durability and efficiently placed so as not to be readily disturbed and to assure the perpetuation or easy reestablishment of a survey point or line. The act makes a violation of its provisions a misdemeanor.

The Professional Engineers Act provides for the licensing and regulation of professional engineers by the Board for Professional Engineers, Land Surveyors, and Geologists. The act states the intent of the Legislature that the act's registration requirements that are imposed on private professional engineers are also imposed on public entities and requires that at least one registered engineer be designated the person in responsible charge of professional engineering work for each branch of professional engineering practiced in any department or agency of the state, city, county, or city and county. The act makes a violation of its provisions a misdemeanor.

This bill would require that at least one person authorized to practice land surveying be designated the person in responsible charge of professional land surveying work practiced in any department or agency of the state, city, county, city and county, district, or special district. The bill would revise nomenclature associated with actions that affect land survey monuments. The bill would require that the governmental agency performing or permitting construction or maintenance work be responsible for ensuring that the landowner or governmental agency performing the work provides for monument perpetuation. The bill would require that the designated person in responsible charge of professional engineering work for a governmental entity, pursuant to the Professional Engineers Act, be responsible for the requirements associated with monuments under the Professional Land Surveyors' Act, as described above. By creating new duties for local officials and expanding the definition of a crime, the bill would impose a state-mandated local program.

(7)

(6) Existing law requires a person transacting business in the state under a fictitious name, as defined, to file, with the county clerk of the county where the business is located, a statement including specified information and to declare that the information is true and correct. Existing law requires that a registrant or an agent filing on behalf of a registrant present a California driver's license or other personal government identification acceptable to the county clerk to adequately determine the registrant's identity or agent's identity, as specified. Existing law authorizes the county clerk to require the registrant to complete and sign an affidavit of identity statement on a form prescribed by the county clerk, and to require an agent submitting the filings on behalf of a registrant to also complete and sign an affidavit of identity statement declaring that the registrant has authorized the agent to make the filings on behalf of the registrant. Existing law requires a registrant that is a corporation, limited liability company, or limited liability partnership, and that is required by the county clerk to file an affidavit of identity statement, to submit with its affidavit a certificate of status issued by the Secretary of State certifying to that business entity's existence and good standing.

This bill would instead authorize the county clerk to require a registrant that is a corporation, limited partnership, limited liability company, or limited liability partnership to submit documentary evidence issued by the Secretary of State indicating the current existence and good standing of that business entity, deemed acceptable by the county clerk, with a notarized affidavit of identity. The bill would further authorize the county clerk to require an agent filing on behalf of the registrant to submit a notarized statement signed by the registrant declaring the registrant has authorized the agent to submit the filing. The bill would also make clarifying changes to these provisions.

~~(8)~~

(7) Existing law defines and regulates the activities of professional photocopiers, as defined. Existing law requires a professional photocopier to be registered by the county clerk, and provides that a certificate of registration is effective for a 2-year period. Existing law also requires at least one person involved in the management of a professional photocopier to be a licensed notary public. Failure to comply with these provisions is a misdemeanor.

This bill would require the notary commission to remain valid during the 2-year period that the professional photocopier's certificate of registration is effective. The bill would also require the registrant to

notify the county clerk and provide an updated valid notary commission if the commission expires prior to the expiration of the certificate of registration. By expanding a crime, the bill would create a state-mandated local program.

(9)

(8) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

(10)

(9) Existing constitutional provisions require that a statute that limits the right of access to meetings of public bodies or the writings of public officials and agencies be adopted with findings and declarations demonstrating the interest protected by that limitation and the need for protecting that interest.

This bill would make a legislative finding and declaration relating to the necessity of treating as confidential electronic mail addresses provided to the California Board of Accountancy in order to protect the privacy of those individuals applying for a certified public accountant license.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares that in order
2 to protect the privacy of those individuals applying for a certified
3 public accountant license, it is necessary that electronic mail
4 addresses provided to the California Board of Accountancy
5 pursuant to Sections 2 and 3 of this act be confidential.

6 SEC. 2. Section 5000 of the Business and Professions Code is
7 amended to read:

8 5000. (a) There is in the Department of Consumer Affairs the
9 California Board of Accountancy, which consists of 15 members,
10 7 of whom shall be licensees, and 8 of whom shall be public

1 members who shall not be licentiates of the board or registered by
2 the board. The board has the powers and duties conferred by this
3 chapter.

4 ~~The~~

5 (b) *The* Governor shall appoint four of the public members, and
6 the seven licensee members as provided in this section. The Senate
7 Committee on Rules and the Speaker of the Assembly shall each
8 appoint two public members. In appointing the seven licensee
9 members, the Governor shall appoint ~~members~~ *individuals*
10 representing a cross section of the accounting profession with at
11 least two members representing a small public accounting firm.
12 ~~For the purposes of this chapter, a small public accounting firm~~
13 ~~shall be defined as a professional firm that employs a total of no~~
14 ~~more than four licensees as partners, owners, or full-time~~
15 ~~employees in the practice of public accountancy within the State~~
16 ~~of California.~~ *profession.*

17 ~~This~~

18 (c) *This* section shall remain in effect only until January 1, 2016,
19 and as of that date is repealed, unless a later enacted statute, that
20 is enacted before January 1, 2016, deletes or extends that date.

21 ~~Notwithstanding~~

22 (d) *Notwithstanding* any other provision of law, the repeal of
23 this section renders the board subject to review by the appropriate
24 policy committees of the Legislature. However, the review of the
25 board shall be limited to reports or studies specified in this chapter
26 and those issues identified by the appropriate policy committees
27 of the Legislature and the board regarding the implementation of
28 new licensing requirements.

29 ~~SEC. 2.~~

30 *SEC. 3.* Section 5070 of the Business and Professions Code is
31 amended to read:

32 5070. (a) Permits to engage in the practice of public
33 accountancy in this state shall be issued by the board only to
34 holders of the certificate of certified public accountant issued under
35 this chapter and to those partnerships, corporations, and other
36 persons who, upon application approved by the board, are
37 registered with the board under this chapter. Notwithstanding any
38 other law, the board may register an entity organized and authorized
39 to practice public accountancy under the laws of another state for
40 the purpose of allowing that entity to satisfy the registration

1 requirement set forth in Section 5096.12, if (1) the certified public
2 accountants providing services in California qualify for the practice
3 privilege, and (2) the entity satisfies all other requirements to
4 register in this state, other than its form of legal organization.

5 (b) All applicants for registration shall furnish satisfactory
6 evidence that the applicant is entitled to registration and shall pay
7 the fee as provided in Article 8 (commencing with Section 5130).
8 Every partnership, corporation, and other person to whom a permit
9 is issued shall, in addition to any other fee that may be payable,
10 pay the initial permit fee provided in Article 8 (commencing with
11 Section 5130).

12 (c) The board may collect, but shall not require, a valid
13 electronic mail address at the time of application for a certified
14 public accountant license. In the interest of protecting an
15 applicant's privacy, the electronic mail address shall not be
16 considered a public record and shall not be disclosed pursuant to
17 Section 27 or pursuant to a request under the California Public
18 Records Act (Chapter 3.5 (commencing with Section 6250) of
19 Division 7 of Title 1 of the Government Code), unless required
20 pursuant to a court order by a court of competent jurisdiction.

21 (d) Each partnership, corporation, and other person issued a
22 permit by the board to practice as a certified public accountant or
23 as a public accountant shall be furnished with a suitable certificate
24 evidencing that registration.

25 ~~SEC. 3.~~

26 *SEC. 4.* Section 5070.5 of the Business and Professions Code
27 is amended to read:

28 5070.5. (a) (1) A permit issued under this chapter to a certified
29 public accountant or a public accountant expires at 12 midnight
30 on the last day of the month of the legal birthday of the licensee
31 during the second year of a two-year term if not renewed.

32 (2) To renew an unexpired permit, a permitholder shall, before
33 the time at which the permit would otherwise expire, apply for
34 renewal on a form prescribed by the board, pay the renewal fee
35 prescribed by this chapter, and give evidence satisfactory to the
36 board that he or she has complied with the continuing education
37 provisions of this chapter.

38 (3) The board may collect, but shall not require, a valid
39 electronic mail address on the renewal form described in paragraph
40 (1). In the interest of protecting an applicant's privacy, the

1 electronic mail address shall not be considered a public record and
2 shall not be disclosed pursuant to Section 27 or pursuant to a
3 request under the California Public Records Act (Chapter 3.5
4 (commencing with Section 6250) of Division 7 of Title 1 of the
5 Government Code), unless required pursuant to a court order by
6 a court of competent jurisdiction.

7 (b) A permit to practice as an accountancy partnership or an
8 accountancy corporation expires at 12 midnight on the last day of
9 the month in which the permit was initially issued during the
10 second year of a two-year term if not renewed. To renew an
11 unexpired permit, the permitholder shall, before the time at which
12 the permit would otherwise expire, apply for renewal on a form
13 prescribed by the board, pay the renewal fee prescribed by this
14 chapter, and provide evidence satisfactory to the board that the
15 accountancy partnership or accountancy corporation is in
16 compliance with this chapter.

17 ~~SEC. 4.~~

18 *SEC. 5.* Section 5093 of the Business and Professions Code is
19 amended to read:

20 5093. (a) To qualify for the certified public accountant license,
21 an applicant who is applying under this section shall meet the
22 education, examination, and experience requirements specified in
23 subdivisions (b), (c), and (d), or otherwise prescribed pursuant to
24 this article. The board may adopt regulations as necessary to
25 implement this section.

26 (b) (1) An applicant for admission to the certified public
27 accountant examination under this section shall present satisfactory
28 evidence that the applicant has completed a baccalaureate or higher
29 degree conferred by a degree-granting university, college, or other
30 institution of learning accredited by a regional or national
31 accrediting agency included in a list of these agencies published
32 by the United States Secretary of Education under the requirements
33 of the federal Higher Education Act of 1965 as amended (20 U.S.C.
34 Sec. 1001 et seq.), or meeting, at a minimum, the standards
35 described in subdivision (c) of Section 5094. The total educational
36 program shall include a minimum of 24 semester units in
37 accounting subjects and 24 semester units in business-related
38 subjects. This evidence shall be provided at the time of application
39 for admission to the examination, except that an applicant who
40 applied, qualified, and sat for at least two subjects of the

1 examination for the certified public accountant license before May
2 15, 2002, may provide this evidence at the time of application for
3 licensure.

4 (A) An applicant enrolled in a program at an institution as
5 described in this paragraph that grants conferral of a baccalaureate
6 degree upon completion of the 150 semester units required by
7 paragraph (2) of this subdivision may satisfy the requirements of
8 this paragraph if the applicant's institution mails the applicant's
9 official transcript or its equivalent together or separately with a
10 letter signed by the institution's registrar, or its equivalent, directly
11 to the board pursuant to subdivision (c) of Section 5094. The letter
12 shall include all of the following:

13 (i) A statement that the applicant is enrolled and in good
14 standing in a program that will result in the conferral of a
15 baccalaureate degree upon completion of either a master's degree
16 or the 150 semester units required by paragraph (2) of this
17 subdivision.

18 (ii) A statement that the applicant has completed all
19 requirements, including general education and elective
20 requirements, for a baccalaureate degree and the only reason the
21 college or university has yet to confer the degree is because the
22 applicant is enrolled in a program that confers a baccalaureate
23 degree upon completion of either a master's degree or the 150
24 semester units required by paragraph (2) of this subdivision.

25 (iii) The date on which the applicant met all of the college's or
26 university's requirements for conferral of a baccalaureate degree.

27 (B) The total educational program for an applicant described in
28 subparagraph (A) shall include a minimum of 24 semester units
29 in accounting subjects and 24 semester units in business-related
30 subjects. This evidence shall be provided at the time of application
31 for admission to the examination, except that an applicant who
32 applied, qualified, and sat for at least two subjects of the
33 examination for the certified public accountant license before May
34 15, 2002, may provide this evidence at the time of application for
35 licensure.

36 (2) An applicant for issuance of the certified public accountant
37 license under this section shall present satisfactory evidence that
38 the applicant has completed at least 150 semester units of college
39 education, including a baccalaureate or higher degree conferred
40 by a college or university, meeting, at a minimum, the standards

1 described in Section 5094, the total educational program to include
2 a minimum of 24 semester units in accounting subjects, 24 semester
3 units in business-related subjects, and, after December 31, 2013,
4 shall also include a minimum of 10 units of ethics study consistent
5 with the requirements set forth in Section 5094.3 and 20 units of
6 accounting study consistent with the regulations promulgated under
7 subdivision (c) of Section 5094.6. This evidence shall be presented
8 at the time of application for the certified public accountant license.
9 Nothing in this paragraph shall be deemed inconsistent with Section
10 5094 or 5094.6. Nothing in this paragraph shall be construed to
11 be inconsistent with prevailing academic practice regarding the
12 completion of units.

13 (c) An applicant for the certified public accountant license shall
14 pass an examination prescribed by the board.

15 (d) (1) The applicant shall show, to the satisfaction of the board,
16 that the applicant has had one year of qualifying experience. This
17 experience may include providing any type of service or advice
18 involving the use of accounting, attest, compilation, management
19 advisory, financial advisory, tax, or consulting skills.

20 (2) To be qualifying under this section, experience shall have
21 been performed in accordance with applicable professional
22 standards. Experience in public accounting shall be completed
23 under the supervision or in the employ of a person licensed or
24 otherwise having comparable authority under the laws of any state
25 or country to engage in the practice of public accountancy.
26 Experience in private or governmental accounting or auditing shall
27 be completed under the supervision of an individual licensed by
28 a state to engage in the practice of public accountancy.

29 (3) Notwithstanding paragraph (2), the board may, by regulation,
30 allow experience in academia to be qualifying under this section.

31 (e) Applicants completing education at a college or university
32 located outside of this state, meeting, at a minimum, the standards
33 described in Section 5094, shall be deemed to meet the educational
34 requirements of this section if the board determines that the
35 education is substantially equivalent to the standards of education
36 specified under this chapter.

37 (f) An applicant who has successfully passed the examination
38 requirement specified under Section 5082 on or before December
39 31, 2013, may qualify for the certified public accountant license
40 without satisfying the 10 semester units of study set forth in Section

1 5094.3 or 20 semester units of accounting study consistent with
2 the regulations promulgated under Section 5094.6, if the applicant
3 completes all other requirements for the issuance of a license on
4 or before December 31, 2015.

5 ~~SEC. 5.~~

6 *SEC. 6.* Section 5096 of the Business and Professions Code,
7 as amended by Section 3 of Chapter 319 of the Statutes of 2013,
8 is amended to read:

9 5096. (a) An individual whose principal place of business is
10 not in this state and who has a valid and current license, certificate,
11 or permit to practice public accountancy from another state may,
12 subject to the conditions and limitations in this article, engage in
13 the practice of public accountancy in this state under a practice
14 privilege without obtaining a certificate or license under this
15 chapter if the individual satisfies one of the following:

16 (1) The individual has continually practiced public accountancy
17 as a certified public accountant under a valid license issued by any
18 state for at least 4 of the last 10 years.

19 (2) The individual has a license, certificate, or permit from a
20 state that has been determined by the board to have education,
21 examination, and experience qualifications for licensure
22 substantially equivalent to this state's qualifications under Section
23 5093.

24 (3) The individual possesses education, examination, and
25 experience qualifications for licensure that have been determined
26 by the board to be substantially equivalent to this state's
27 qualifications under Section 5093.

28 (b) The board may designate states as substantially equivalent
29 under paragraph (2) of subdivision (a) and may accept individual
30 qualification evaluations or appraisals conducted by designated
31 entities, as satisfying the requirements of paragraph (3) of
32 subdivision (a).

33 (c) An individual who qualifies for the practice privilege under
34 this section may engage in the practice of public accountancy in
35 this state, and a notice, fee, or other requirement shall not be
36 imposed on that individual by the board.

37 (d) An individual who qualifies for the practice privilege under
38 this section may perform the following services only through a
39 firm of certified public accountants that has obtained a registration
40 from the board pursuant to Section 5096.12:

1 (1) An audit or review of a financial statement for an entity
2 headquartered in California.

3 (2) A compilation of a financial statement when that person
4 expects, or reasonably might expect, that a third party will use the
5 financial statement and the compilation report does not disclose a
6 lack of independence for an entity headquartered in California.

7 (3) An examination of prospective financial information for an
8 entity headquartered in California.

9 (e) An individual who holds a practice privilege under this
10 article, and is exercising the practice privilege in California:

11 (1) Is subject to the personal and subject matter jurisdiction and
12 disciplinary authority of the board and the courts of this state.

13 (2) Shall comply with the provisions of this chapter, board
14 regulations, and other laws, regulations, and professional standards
15 applicable to the practice of public accountancy by the licensees
16 of this state and to any other laws and regulations applicable to
17 individuals practicing under practice privileges in this state, except
18 the individual is deemed, solely for the purpose of this article, to
19 have met the continuing education requirements and ethics
20 examination requirements of this state when the individual has
21 met the examination and continuing education requirements of the
22 state in which the individual holds the valid license, certificate, or
23 permit on which the substantial equivalency is based.

24 (3) Shall not provide public accountancy services in this state
25 from any office located in this state, except as an employee of a
26 firm registered in this state. This paragraph does not apply to public
27 accountancy services provided to a client at the client's place of
28 business or residence.

29 (4) Is deemed to have appointed the regulatory agency of the
30 state that issued the individual's certificate, license, or permit upon
31 which substantial equivalency is based as the individual's agent
32 on whom notices, subpoenas, or other process may be served in
33 any action or proceeding by the board against the individual.

34 (5) Shall cooperate with any board investigation or inquiry and
35 shall timely respond to a board investigation, inquiry, request,
36 notice, demand, or subpoena for information or documents and
37 timely provide to the board the identified information and
38 documents.

39 (6) Shall cease exercising the practice privilege in this state if
40 the regulatory agency in the state in which the individual's

1 certificate, license, or permit was issued takes disciplinary action
2 resulting in the suspension or revocation, including stayed
3 suspension, stayed revocation, or probation of the individual's
4 certificate, license, or permit, or takes other disciplinary action
5 against the individual's certificate, license, or permit that arises
6 from any of the following:

7 (A) Gross negligence, recklessness, or intentional wrongdoing
8 relating to the practice of public accountancy.

9 (B) Fraud or misappropriation of funds.

10 (C) Preparation, publication, or dissemination of false,
11 fraudulent, or materially incomplete or misleading financial
12 statements, reports, or information.

13 (7) Shall cease exercising the practice privilege in this state if
14 convicted in any jurisdiction of any crime involving dishonesty,
15 including, but not limited to, embezzlement, theft, misappropriation
16 of funds or property, or obtaining money, property, or other
17 valuable consideration by fraudulent means or false pretenses.

18 (8) Shall cease exercising the practice privilege if the United
19 States Securities and Exchange Commission or the Public Company
20 Accounting Oversight Board bars the individual from practicing
21 before them.

22 (9) Shall cease exercising the practice privilege if any
23 governmental body or agency suspends the right of the individual
24 to practice before the body or agency.

25 (10) Shall report to the board in writing any pending criminal
26 charges, other than for a minor traffic violation, in any jurisdiction
27 within 30 days of the date the individual has knowledge of those
28 charges.

29 (f) An individual who is required to cease practice pursuant to
30 paragraphs (6) to (9), inclusive, of subdivision (e) shall notify the
31 board within 15 calendar days, on a form prescribed by the board,
32 and shall not practice public accountancy in this state pursuant to
33 this section until he or she has received from the board written
34 permission to do so.

35 (g) An individual who fails to cease practice as required by
36 subdivision (e) or who fails to provide the notice required by
37 subdivision (f) shall be subject to the personal and subject matter
38 jurisdiction and disciplinary authority of the board as if the practice
39 privilege were a license and the individual were a licensee. An
40 individual in violation of subdivision (e) or (f) shall, for a minimum

1 of one year from the date the board learns there has been a violation
2 of subdivision (e) or (f), not practice in this state and shall not have
3 the possibility of reinstatement during that period. If the board
4 determines that the failure to cease practice or provide the notice
5 was intentional, that individual's practice privilege shall be revoked
6 and there shall be no possibility of reinstatement for a minimum
7 of two years.

8 (h) The board shall require an individual who provides notice
9 to the board pursuant to subdivision (f) to cease the practice of
10 public accountancy in this state until the board provides the
11 individual with written permission to resume the practice of public
12 accountancy in this state.

13 (i) (1) An individual to whom, within the last seven years
14 immediately preceding the date on which he or she wishes to
15 practice in this state, any of the following criteria apply, shall notify
16 the board, on a form prescribed by the board, and shall not practice
17 public accountancy in this state pursuant to this section until the
18 board provides the individual with written permission to do so:

19 (A) He or she has been the subject of any final disciplinary
20 action by the licensing or disciplinary authority of any other
21 jurisdiction with respect to any professional license or has any
22 charges of professional misconduct pending against him or her in
23 any other jurisdiction.

24 (B) He or she has had his or her license in another jurisdiction
25 reinstated after a suspension or revocation of the license.

26 (C) He or she has been denied issuance or renewal of a
27 professional license or certificate in any other jurisdiction for any
28 reason other than an inadvertent administrative error.

29 (D) He or she has been convicted of a crime or is subject to
30 pending criminal charges in any jurisdiction other than a minor
31 traffic violation.

32 (E) He or she has otherwise acquired a disqualifying condition
33 as described in subdivision (a) of Section 5096.2.

34 (2) An individual who fails to cease practice as required by
35 subdivision (e) or who fails to provide the notice required by
36 paragraph (1) shall be subject to the personal and subject matter
37 jurisdiction and disciplinary authority of the board as if the practice
38 privilege were a license and the individual were a licensee. An
39 individual in violation of subdivision (e) or paragraph (1) shall,
40 for a minimum of one year from the date the board knows there

1 has been a violation of subdivision (e) or paragraph (1), not practice
2 in this state and shall not have the possibility of reinstatement
3 during that period. If the board determines that the failure to cease
4 practice or provide the notice was intentional, that individual shall
5 be prohibited from practicing in this state in the same manner as
6 if a licensee has his or her practice privilege revoked and there
7 shall be no possibility of reinstatement for a minimum of two years.

8 (j) This section shall remain in effect only until January 1, 2019,
9 and as of that date is repealed, unless a later enacted statute, that
10 is enacted before January 1, 2019, deletes or extends that date.

11 ~~SEC. 6.~~

12 *SEC. 7.* Section 5096.4 of the Business and Professions Code,
13 as added by Section 20 of Chapter 411 of the Statutes of 2012, is
14 amended to read:

15 5096.4. (a) The right of an individual to practice in this state
16 under a practice privilege may be administratively suspended at
17 any time by an order issued by the board or its executive officer,
18 without prior notice or hearing, for the purpose of conducting a
19 disciplinary investigation, proceeding, or inquiry concerning the
20 individual's competence or qualifications to practice under practice
21 privileges, failure to timely respond to a board inquiry or request
22 for information or documents, or under other conditions and
23 circumstances provided for by board regulation. The board shall
24 consult the Public Company Accounting Oversight Board and the
25 United States Securities and Exchange Commission at least once
26 every six months to identify out-of-state licensees who may have
27 disqualifying conditions or who may be obliged to cease practice,
28 and shall disclose, pursuant to this subdivision, whether those
29 out-of-state licensees are lawfully permitted to exercise the
30 privilege. Disclosure of this information shall not be considered
31 discipline.

32 (b) The administrative suspension order is immediately effective
33 when mailed to the individual's address of record or agent for
34 notice and service as provided for in this article.

35 (c) The administrative suspension order shall contain the
36 following:

37 (1) The reason for the suspension.

38 (2) A statement that the individual has the right, within 30 days,
39 to appeal the administrative suspension order and request a hearing.

(3) A statement that any appeal hearing will be conducted under the provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code) applicable to individuals who are denied licensure, including the filing of a statement of issues by the board setting forth the reasons for the administrative suspension of practice privileges and specifying the statutes and rules with which the individual must show compliance by producing proof at the hearing and in addition any particular matters that have come to the attention of the board and that would authorize the administrative suspension, or the revocation of practice privileges.

(d) The burden is on the holder of the suspended practice privilege to establish both qualification and fitness to practice under practice privileges.

(e) The administrative suspension shall continue in effect until terminated by an order of the board or the executive officer.

(f) Administrative suspension is not discipline and shall not preclude any individual from applying for a license to practice public accountancy in this state.

(g) Proceedings to appeal an administrative suspension order may be combined or coordinated with proceedings for revocation or discipline of a practice privilege.

(h) This section shall become operative on July 1, 2013.

(i) This section shall remain in effect only until January 1, 2019, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2019, deletes or extends that date.

~~SEC. 7.~~

SEC. 8. Section 5096.4 of the Business and Professions Code, as added by Section 21 of Chapter 411 of the Statutes of 2012, is amended to read:

5096.4. (a) The right of an individual to practice in this state under a practice privilege may be administratively suspended at any time by an order issued by the board or its executive officer, without prior notice or hearing, for the purpose of conducting a disciplinary investigation, proceeding, or inquiry concerning the representations made in the notice, the individual's competence or qualifications to practice under practice privileges, failure to timely respond to a board inquiry or request for information or documents, or under other conditions and circumstances provided for by board regulation.

1 (b) The administrative suspension order is immediately effective
2 when mailed to the individual's address of record or agent for
3 notice and service as provided for in this article.

4 (c) The administrative suspension order shall contain the
5 following:

6 (1) The reason for the suspension.

7 (2) A statement that the individual has the right, within 30 days,
8 to appeal the administrative suspension order and request a hearing.

9 (3) A statement that any appeal hearing will be conducted under
10 the Administrative Procedure Act (Chapter 3.5 (commencing with
11 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
12 Code) applicable to individuals who are denied licensure, including
13 the filing of a statement of issues by the board setting forth the
14 reasons for the administrative suspension of practice privileges
15 and specifying the statutes and rules with which the individual
16 must show compliance by producing proof at the hearing and in
17 addition any particular matters that have come to the attention of
18 the board and that would authorize the administrative suspension,
19 or the denial of practice privileges.

20 (d) The burden is on the holder of the suspended practice
21 privilege to establish both qualification and fitness to practice
22 under practice privileges.

23 (e) The administrative suspension shall continue in effect until
24 terminated by an order of the board or the executive officer or
25 expiration of the practice privilege under administrative suspension.

26 (f) Administrative suspension is not discipline and shall not
27 preclude any individual from applying for a license to practice
28 public accountancy in this state or from applying for a new practice
29 privilege upon expiration of the one under administrative
30 suspension, except that the new practice privilege shall not be
31 effective until approved by the board.

32 (g) Notwithstanding any administrative suspension, a practice
33 privilege expires one year from the date of notice unless a shorter
34 period is set by board regulation.

35 (h) Proceedings to appeal an administrative suspension order
36 may be combined or coordinated with proceedings for denial or
37 discipline of a practice privilege.

38 (i) This section shall become operative on January 1, 2019.

1 ~~SEC. 8.~~

2 *SEC. 9.* Section 6730.2 of the Business and Professions Code
3 is amended to read:

4 6730.2. (a) It is the intent of the Legislature that the registration
5 requirements that are imposed upon private sector professional
6 engineers and engineering partnerships, firms, or corporations
7 shall be imposed upon the state and any city, county, or city and
8 county that shall adhere to those requirements. Therefore, for the
9 purposes of Section 6730 and this chapter, at least one registered
10 engineer shall be designated the person in responsible charge of
11 professional engineering work for each branch of professional
12 engineering practiced in any department or agency of the state,
13 city, county, or city and county.

14 (b) Any department or agency of the state or any city, county,
15 or city and county that has an unregistered person in responsible
16 charge of engineering work on January 1, 1985, shall be exempt
17 from this requirement until that time as the person currently in
18 responsible charge is replaced.

19 (c) The designated person in responsible charge of professional
20 engineering work of any department or agency of the state, city,
21 county, city and county, district, or special district pursuant to this
22 section is responsible for ensuring compliance with subdivisions
23 (b) and (c) of Section 8771.

24 ~~SEC. 9.~~

25 *SEC. 10.* Section 6735 of the Business and Professions Code
26 is amended to read:

27 6735. (a) All civil (including structural and geotechnical)
28 engineering plans, calculations, specifications, and reports
29 (hereinafter referred to as “documents”) shall be prepared by, or
30 under the responsible charge of, a licensed civil engineer and shall
31 include his or her name and license number. Interim documents
32 shall include a notation as to the intended purpose of the document,
33 such as “preliminary,” “not for construction,” “for plan check
34 only,” or “for review only.” All civil engineering plans and
35 specifications that are permitted or that are to be released for
36 construction shall bear the signature and seal or stamp of the
37 licensee and the date of signing and sealing or stamping. All final
38 civil engineering calculations and reports shall bear the signature
39 and seal or stamp of the licensee, and the date of signing and
40 sealing or stamping. If civil engineering plans are required to be

1 signed and sealed or stamped and have multiple sheets, the
2 signature, seal or stamp, and date of signing and sealing or
3 stamping shall appear on each sheet of the plans. If civil
4 engineering specifications, calculations, and reports are required
5 to be signed and sealed or stamped and have multiple pages, the
6 signature, seal or stamp, and date of signing and sealing or
7 stamping shall appear at a minimum on the title sheet, cover sheet,
8 or signature sheet.

9 (b) All civil engineering plans, calculations, specifications, and
10 reports for the construction of the following structures shall be
11 prepared by, or under the responsible charge of, a licensed civil
12 engineer who is also licensed as a structural engineer in accordance
13 with Section 6736:

14 (1) Hospitals and other medical facilities having surgery and
15 emergency treatment areas, as provided under Part 7 (commencing
16 with Section 129675) of Division 107 of the Health and Safety
17 Code.

18 (2) All public school facilities, as provided under Chapter 3
19 (commencing with Section 17251) of Part 10.5 of Division 1 of
20 Title 1 of the Education Code.

21 (c) Notwithstanding subdivision (a) or (b), a licensed civil
22 engineer who signs civil engineering documents shall not be
23 responsible for damage caused by subsequent changes to or uses
24 of those documents, if the subsequent changes or uses, including
25 changes or uses made by state or local governmental agencies, are
26 not authorized or approved by the licensed civil engineer who
27 originally signed the documents, provided that the engineering
28 service rendered by the civil engineer who signed the documents
29 was not also a proximate cause of the damage.

30 ~~SEC. 10.~~

31 *SEC. 11.* Section 6759 of the Business and Professions Code
32 is amended to read:

33 6759. The board, upon application therefor, on its prescribed
34 form, and the payment of the fee fixed by this chapter, may issue
35 a certificate of registration as a professional engineer, without
36 written examination, to any person holding a certificate of
37 registration issued to him or her by any state or country when the
38 applicant's qualifications meet the requirements of this chapter
39 and rules established by the board. The board shall not require a
40 comity applicant to meet any requirement not required of California

1 applicants. For purposes of this section, equivalent second division
2 examinations shall be written examinations prepared by or
3 administered by a state or territory either by single or combined
4 branch at the level generally administered by the board to persons
5 who passed or were exempted from the first division examination.
6 Applicants who have passed an equivalent second division
7 combined branch or a single branch examination in a branch not
8 recognized for registration in California shall be registered in the
9 branch in which their experience and education indicate the closest
10 relationship.

11 ~~SEC. 11.~~

12 *SEC. 12.* Section 7011.4 of the Business and Professions Code
13 is amended to read:

14 7011.4. (a) Notwithstanding Section 7011, there is in the
15 Contractors' State License Board, a separate enforcement division
16 that shall rigorously enforce this chapter prohibiting all forms of
17 unlicensed activity.

18 (b) Persons employed as enforcement representatives of the
19 Contractors' State License Board and designated by the Director
20 of Consumer Affairs shall have the authority to issue a written
21 notice to appear in court pursuant to Chapter 5c (commencing with
22 Section 853.5) of Title 3 of Part 2 of the Penal Code. An employee
23 so designated is not a peace officer and is not entitled to safety
24 member retirement benefits as a result of that designation. He or
25 she does not have the power of arrest.

26 ~~SEC. 12.~~ ~~Section 7685 of the Business and Professions Code~~
27 ~~is amended to read:~~

28 ~~7685. (a) (1) Every funeral director shall provide to any~~
29 ~~person, upon beginning discussion of prices or of the funeral goods~~
30 ~~and services offered, a written or printed list containing, but not~~
31 ~~necessarily limited to, the price for professional services offered,~~
32 ~~which may include the funeral director's services, the preparation~~
33 ~~of the body, the use of facilities, and the use of automotive~~
34 ~~equipment. All services included in this price or prices shall be~~
35 ~~enumerated. The funeral director shall also provide a statement on~~
36 ~~that list that gives the price range for all caskets offered for sale.~~

37 ~~(2) The list shall also include a statement indicating that the~~
38 ~~survivor of the deceased who is handling the funeral arrangements,~~
39 ~~or the responsible party, is entitled to receive, prior to the drafting~~
40 ~~of any contract, a copy of any preneed agreement that has been~~

1 signed and paid for, in full or in part, by or on behalf of the
2 deceased, and that is in the possession of the funeral establishment.

3 ~~(3) The funeral director shall also provide a written statement~~
4 ~~or list that, at a minimum, specifically identifies a particular casket~~
5 ~~or caskets by price and by thickness of metal, or type of wood, or~~
6 ~~other construction, interior and color, in addition to other casket~~
7 ~~identification requirements under Part 453 of Title 16 of the Code~~
8 ~~of Federal Regulations and any subsequent version of this~~
9 ~~regulation, when a request for specific information on a casket or~~
10 ~~caskets is made in person by any individual. Prices of caskets and~~
11 ~~other identifying features such as thickness of metal, or type of~~
12 ~~wood, or other construction, interior and color, in addition to other~~
13 ~~casket identification requirements required to be given over the~~
14 ~~telephone by Part 453 of Title 16 of the Code of Federal~~
15 ~~Regulations and any subsequent version of this regulation, shall~~
16 ~~be provided over the telephone, if requested.~~

17 ~~(b) (1) Each licensed funeral establishment that maintains an~~
18 ~~Internet Web site shall post on its Internet Web site the list of~~
19 ~~funeral goods and services that are required to be included in the~~
20 ~~establishment's general price list, pursuant to federal rule, and a~~
21 ~~statement that the general price list is available upon request.~~

22 ~~(2) Information posted pursuant to paragraph (1) shall be~~
23 ~~provided by a link from the home page of the Internet Web site~~
24 ~~using the words "price information" or a similar phrase that~~
25 ~~includes the word "price."~~

26 ~~(3) An establishment that posts on its Internet Web site home~~
27 ~~page the words "price information" or a similar phrase that includes~~
28 ~~the word "price," with a link that leads to the establishment's~~
29 ~~general price list, need not comply with paragraph (1) or (2).~~

30 ~~(4) Nothing in this subdivision shall be construed to affect an~~
31 ~~establishment's obligations under federal or state law effective~~
32 ~~prior to January 1, 2013.~~

33 SEC. 13. Section 7842 of the Business and Professions Code
34 is amended to read:

35 7842. An applicant for certification in a specialty in geology
36 shall meet all of the requirements of Section 7841 and, in addition,
37 his or her seven years of professional geological work shall include
38 one of the following:

39 (a) A minimum of three years performed under the supervision
40 of a geologist certified in the specialty for which the applicant is

1 seeking certification or under the supervision of a registered civil
2 engineer if the applicant is seeking certification as an engineering
3 geologist, except that prior to July 1, 1970, professional geological
4 work shall qualify under this subdivision if it is performed under
5 the supervision of a geologist qualified in the specialty for which
6 the applicant is seeking certification or under the supervision of a
7 registered civil engineer if the applicant is seeking certification as
8 an engineering geologist.

9 (b) A minimum of five years' experience in responsible charge
10 of professional geological work in the specialty for which the
11 applicant is seeking certification.

12 SEC. 14. Section 7860 of the Business and Professions Code
13 is amended to read:

14 7860. (a) The board may, upon its own initiative or upon the
15 receipt of a complaint, investigate the actions of any professional
16 geologist or geophysicist, and make findings thereon.

17 (b) By a majority vote, the board may publicly reprove, suspend
18 for a period not to exceed two years, or revoke the certificate of
19 any geologist or geophysicist registered hereunder, on any of the
20 following grounds:

21 (1) Conviction of a crime substantially related to the
22 qualifications, functions, or duties of a geologist or geophysicist.

23 (2) Misrepresentation, fraud, or deceit by a geologist or
24 geophysicist in his or her practice.

25 (3) Negligence or incompetence by a geologist or geophysicist
26 in his or her practice.

27 (4) Violation of any contract undertaken in the capacity of a
28 geologist or geophysicist.

29 (5) Fraud or deceit in obtaining a certificate to practice as a
30 geologist or geophysicist.

31 (c) By a majority vote, the board may publicly reprove, suspend
32 for a period not to exceed two years, or may revoke the certificate
33 of any geologist or geophysicist registered under this chapter, for
34 unprofessional conduct. Unprofessional conduct includes, but is
35 not limited to, any of the following:

36 (1) Aiding or abetting any person in a violation of this chapter
37 or any regulation adopted by the board pursuant to this chapter.

38 (2) Violating this chapter or any regulation adopted by the board
39 pursuant to this chapter.

1 (3) Conduct in the course of practice as a geologist or
2 geophysicist that violates professional standards adopted by the
3 board.

4 SEC. 15. Section 7864 is added to the Business and Professions
5 Code, to read:

6 7864. (a) A petitioner may petition the board for reinstatement
7 or modification of penalty, including reduction, modification, or
8 termination of probation, after the following minimum periods
9 have elapsed from the effective date of the decision ordering the
10 disciplinary action, or if the order of the board or any portion of
11 it is stayed by a court, from the date the disciplinary action is
12 actually implemented in its entirety:

13 (1) Except as otherwise provided in this section, at least three
14 years for reinstatement of a certificate that was revoked or
15 surrendered. However, the board may, in its sole discretion, specify
16 in its order of revocation or surrender a lesser period of time that
17 shall be at a minimum of one year.

18 (2) At least two years for early termination of a probation period
19 of three years or more.

20 (3) At least one year for early termination of a probation period
21 of less than three years.

22 (4) At least one year for reduction or modification of a condition
23 of probation.

24 (b) The board shall notify the Attorney General of the filing of
25 the petition. The petitioner and the Attorney General shall be given
26 timely notice by letter of the time and place of the hearing on the
27 petition, and the petitioner and the Attorney General shall be given
28 the opportunity to present both oral and documentary evidence
29 and argument to the board. The petitioner shall at all times have
30 the burden of proof to establish by clear and convincing evidence
31 that he or she is entitled to the relief sought in the petition.

32 (c) The board itself or an administrative law judge, if one is
33 designated by the board, shall hear the petition and shall prepare
34 a written decision setting forth the reasons supporting the decision.

35 (d) The board may grant or deny the petition or may impose
36 any terms and conditions that it reasonably deems appropriate as
37 a condition of reinstatement or reduction or modification of the
38 penalty.

39 (e) A petition shall not be considered while the petitioner is
40 under sentence for any criminal offense, including any period

1 during which the petitioner is on court-imposed probation or parole.
2 A petition shall not be considered while there is an accusation or
3 petition to revoke probation pending against the petitioner.

4 (f) The board may, in its discretion, deny without hearing or
5 argument any petition that is filed pursuant to this section within
6 a period of two years from the effective date of a prior decision
7 following a hearing under this section.

8 (g) Judicial review of the board's decision following a hearing
9 under this section may be sought by way of a petition for writ of
10 administrative mandamus pursuant to Section 1094.5 of the Code
11 of Civil Procedure. The party seeking to overturn the board's
12 decision shall have the burden of proof in any mandamus
13 proceeding. In the mandamus proceeding, if it is alleged that there
14 has been an abuse of discretion because the board's findings are
15 not supported by the evidence, abuse of discretion is established
16 if the court determines that the findings are not supported by
17 substantial evidence in light of the whole record.

18 (h) The following definitions shall apply for purposes of this
19 section:

20 (1) "Certificate" includes a certificate of registration or license
21 as a professional geologist or professional geophysicist or
22 certification as a geologist-in-training.

23 (2) "Petitioner" means a professional geologist or professional
24 geophysicist or a geologist-in-training whose certificate has been
25 revoked, suspended, or surrendered or placed on probation.

26 SEC. 16. Section 8725.1 is added to the Business and
27 Professions Code, to read:

28 8725.1. It is the intent of the Legislature that the registration
29 requirements that are imposed upon private sector professional
30 land surveyors and land surveying partnerships, firms, or
31 corporations shall be imposed upon the state and any city, county,
32 and city and county that shall adhere to those requirements.
33 Therefore, for the purposes of Section 8725 and this chapter, at
34 least one person authorized to practice land surveying shall be
35 designated the person in responsible charge of professional land
36 surveying work practiced in any department or agency of the state,
37 city, county, city and county, district, or special district.

38 SEC. 17. Section 8771 of the Business and Professions Code
39 is amended to read:

1 8771. (a) Monuments set shall be sufficient in number and
2 durability and efficiently placed so as not to be readily disturbed,
3 to assure, together with monuments already existing, the
4 perpetuation or facile reestablishment of any point or line of the
5 survey.

6 (b) When monuments exist that control the location of
7 subdivisions, tracts, boundaries, roads, streets, or highways, or
8 provide horizontal or vertical survey control, the monuments shall
9 be located and referenced by or under the direction of a licensed
10 land surveyor or registered civil engineer prior to the time when
11 any streets, highways, other rights-of-way, or easements are
12 improved, constructed, reconstructed, maintained, resurfaced, or
13 relocated, and a corner record or record of survey of the references
14 shall be filed with the county surveyor.

15 (c) A permanent monument shall be reset in the surface of the
16 new construction or a witness monument or monuments set to
17 perpetuate the location if any monument could be destroyed,
18 damaged, covered, disturbed, or otherwise obliterated, and a corner
19 record or record of survey shall be filed with the county surveyor
20 prior to the recording of a certificate of completion for the project.
21 Sufficient controlling monuments shall be retained or replaced in
22 their original positions to enable property, right-of-way and
23 easement lines, property corners, and subdivision and tract
24 boundaries to be reestablished without devious surveys necessarily
25 originating on monuments differing from those that currently
26 control the area.

27 (d) The governmental agency performing or permitting
28 construction or maintenance work is responsible for ensuring that
29 either the governmental agency or landowner performing the
30 construction or maintenance work provides for monument
31 perpetuation required by this section.

32 (e) It shall be the duty of every land surveyor or civil engineer
33 to assist the governmental agency in matters of maps, field notes,
34 and other pertinent records. Monuments set to mark the limiting
35 lines of highways, roads, streets or right-of-way or easement lines
36 shall not be deemed adequate for this purpose, unless specifically
37 noted on the corner record or record of survey of the improvement
38 works with direct ties in bearing or azimuth and distance between
39 these and other monuments of record.

(f) The decision to file either the required corner record or a record of survey pursuant to subdivision (b) or (c) shall be at the election of the licensed land surveyor or registered civil engineer submitting the document.

SEC. 18. Section 17901 of the Business and Professions Code is amended to read:

17901. As used in this chapter, “general partner” means:

(a) In the case of a partnership, a general partner, as defined in Section 15901.02 of the Corporations Code.

(b) In the case of an unincorporated association other than a partnership, a person interested in the business of the association whose liability with respect to the association is substantially the same as that of a general partner, as defined in Section 15901.02 of the Corporations Code.

SEC. 19. Section 17913 of the Business and Professions Code is amended to read:

17913. (a) The fictitious business name statement shall contain all of the information required by this subdivision and shall be substantially in the following form:

FICTITIOUS BUSINESS NAME STATEMENT

The following person (persons) is (are) doing business as

* _____

at ** _____:

*** _____

This business is conducted by **** _____

The registrant commenced to transact business under the fictitious business name or names listed above on

***** _____

I declare that all information in this statement is true and correct. (A registrant who declares as true any material matter pursuant to Section 17913 of the Business and Professions Code that the registrant knows to be false is guilty of a misdemeanor punishable by a fine not to exceed one thousand dollars (\$1,000).)

Registrant signature _____

Statement filed with the County Clerk of ____ County on _____

1 NOTICE—IN ACCORDANCE WITH SUBDIVISION (a) OF
2 SECTION 17920, A FICTITIOUS NAME STATEMENT
3 GENERALLY EXPIRES AT THE END OF FIVE YEARS FROM
4 THE DATE ON WHICH IT WAS FILED IN THE OFFICE OF
5 THE COUNTY CLERK, EXCEPT, AS PROVIDED IN
6 SUBDIVISION (b) OF SECTION 17920, WHERE IT EXPIRES
7 40 DAYS AFTER ANY CHANGE IN THE FACTS SET FORTH
8 IN THE STATEMENT PURSUANT TO SECTION 17913
9 OTHER THAN A CHANGE IN THE RESIDENCE ADDRESS
10 OF A REGISTERED OWNER. A NEW FICTITIOUS BUSINESS
11 NAME STATEMENT MUST BE FILED BEFORE THE
12 EXPIRATION.

13 THE FILING OF THIS STATEMENT DOES NOT OF ITSELF
14 AUTHORIZE THE USE IN THIS STATE OF A FICTITIOUS
15 BUSINESS NAME IN VIOLATION OF THE RIGHTS OF
16 ANOTHER UNDER FEDERAL, STATE, OR COMMON LAW
17 (SEE SECTION 14411 ET SEQ., BUSINESS AND
18 PROFESSIONS CODE).

19
20 (b) The fictitious business name statement shall contain the
21 following information set forth in the manner indicated in the form
22 provided by subdivision (a):

23 (1) Where the asterisk (*) appears in the form, insert the
24 fictitious business name or names. Only those businesses operated
25 at the same address and under the same ownership may be listed
26 on one fictitious business name statement.

27 (2) Where the two asterisks (**) appear in the form: If the
28 registrant has a place of business in this state, insert the street
29 address, and county, of his or her principal place of business in
30 this state. If the registrant has no place of business in this state,
31 insert the street address, and county, of his or her principal place
32 of business outside this state.

33 (3) Where the three asterisks (***) appear in the form: If the
34 registrant is an individual, insert his or her full name and residence
35 address. If the registrants are a married couple, insert the full name
36 and residence address of both parties to the marriage. If the
37 registrant is a general partnership, copartnership, joint venture, or
38 limited liability partnership, insert the full name and residence
39 address of each general partner. If the registrant is a limited
40 partnership, insert the full name and residence address of each

1 general partner. If the registrant is a limited liability company,
2 insert the name and address of the limited liability company, as
3 set out in its articles of organization on file with the California
4 Secretary of State, and the state of organization. If the registrant
5 is a trust, insert the full name and residence address of each trustee.
6 If the registrant is a corporation, insert the name and address of
7 the corporation, as set out in its articles of incorporation on file
8 with the California Secretary of State, and the state of
9 incorporation. If the registrants are state or local registered
10 domestic partners, insert the full name and residence address of
11 each domestic partner. If the registrant is an unincorporated
12 association other than a partnership, insert the name of each person
13 who is interested in the business of the association and whose
14 liability with respect to the association is substantially the same
15 as that of a general partner.

16 (4) Where the four asterisks (****) appear in the form, insert
17 whichever of the following best describes the nature of the
18 business: (i) “an individual,” (ii) “a general partnership,” (iii) “a
19 limited partnership,” (iv) “a limited liability company,” (v) “an
20 unincorporated association other than a partnership,” (vi) “a
21 corporation,” (vii) “a trust,” (viii) “copartners,” (ix) “a married
22 couple,” (x) “joint venture,” (xi) “state or local registered domestic
23 partners,” or (xii) “a limited liability partnership.”

24 (5) Where the five asterisks (*****) appear in the form, insert
25 the date on which the registrant first commenced to transact
26 business under the fictitious business name or names listed, if
27 already transacting business under that name or names. If the
28 registrant has not yet commenced to transact business under the
29 fictitious business name or names listed, insert the statement, “Not
30 applicable.”

31 (c) The registrant shall declare that all of the information in the
32 fictitious business statement is true and correct. A registrant who
33 declares as true any material matter pursuant to this section that
34 the registrant knows to be false is guilty of a misdemeanor
35 punishable by a fine not to exceed one thousand dollars (\$1,000).

36 (d) (1) At the time of filing of the fictitious business name
37 statement, the registrant filing on behalf of the registrant shall
38 present personal identification in the form of a California driver’s
39 license or other government identification acceptable to the county
40 clerk to adequately determine the identity of the registrant filing

1 on behalf of the registrant as provided in subdivision (e) and the
2 county clerk may require the registrant to complete and sign an
3 affidavit of identity.

4 (2) In the case of a registrant utilizing an agent for submission
5 of the registrant's fictitious business name statement for filing, at
6 the time of filing of the fictitious business name statement, the
7 agent filing on behalf of the registrant shall present personal
8 identification in the form of a California driver's license or other
9 government identification acceptable to the county clerk to
10 adequately determine the identity of the agent filing on behalf of
11 the registrant as provided in subdivision (e). The county clerk may
12 also require the agent to submit a notarized statement signed by
13 the registrant declaring the registrant has authorized the agent to
14 submit the filing on behalf of the registrant.

15 (e) If the registrant is a corporation, a limited liability company,
16 a limited partnership, or a limited liability partnership, the county
17 clerk may require documentary evidence issued by the Secretary
18 of State and deemed acceptable by the county clerk, indicating the
19 current existence and good standing of that business entity to be
20 attached to a completed and notarized affidavit of identity, for
21 purposes of subdivision (d).

22 (f) The county clerk may require a registrant that mails a
23 fictitious business name statement to a county clerk's office for
24 filing to submit a completed and notarized affidavit of identity. A
25 registrant that is a corporation, limited liability company, limited
26 partnership, or limited liability partnership, if required by the
27 county clerk to submit an affidavit of identity, shall also submit
28 documentary evidence issued by the Secretary of State indicating
29 the current existence and good standing of that business entity.

30 (g) A county clerk that chooses to establish procedures pursuant
31 to this section shall prescribe the form of affidavit of identity for
32 filing by a registrant in that county.

33 SEC. 20. Section 17914 of the Business and Professions Code
34 is amended to read:

35 17914. The fictitious business name statement shall be signed
36 as follows:

37 (a) If the registrant is an individual, by the individual.

38 (b) If the registrants are a married couple, by either party to the
39 marriage.

1 (c) If the registrant is a general partnership, limited partnership,
2 limited liability partnership, copartnership, joint venture, or
3 unincorporated association other than a partnership, by a general
4 partner.

5 (d) If the registrant is a limited liability company, by a manager
6 or officer.

7 (e) If the registrant is a trust, by a trustee.

8 (f) If the registrant is a corporation, by an officer.

9 (g) If the registrant is a state or local registered domestic
10 partnership, by one of the domestic partners.

11 SEC. 21. Section 17916 of the Business and Professions Code
12 is amended to read:

13 17916. Presentation for filing of an original fictitious business
14 name statement and one copy of the statement, with proper
15 identification, accompanied by a completed and notarized affidavit
16 of identity, if required by the county clerk, and other documents
17 required in accordance with Section 17913, payment of the filing
18 fee, and acceptance of the statement by the county clerk constitute
19 filing under this chapter. The county clerk shall note on the copy
20 the file number, the date of filing the original, and the date of
21 expiration and shall certify and deliver the copy to the registrant
22 or the registrant's agent.

23 SEC. 22. Section 22454 of the Business and Professions Code
24 is amended to read:

25 22454. (a) At least one person involved in the management
26 of a professional photocopier shall be required to hold a current
27 commission from the Secretary of State as a notary public in this
28 state. If the notary commission is held by someone other than the
29 registrant, written confirmation from the notary authorizing the
30 use of their commission for this registration is required.

31 (b) The notary commission shall remain valid during the
32 two-year period that the professional photocopier's certificate of
33 registration is effective. The registrant shall notify the county clerk
34 and provide an updated valid notary commission if the commission
35 expires prior to the expiration of the certificate of registration.

36 SEC. 23. No reimbursement is required by this act pursuant to
37 Section 6 of Article XIII B of the California Constitution for certain
38 costs that may be incurred by a local agency or school district
39 because, in that regard, this act creates a new crime or infraction,
40 eliminates a crime or infraction, or changes the penalty for a crime

1 or infraction, within the meaning of Section 17556 of the
2 Government Code, or changes the definition of a crime within the
3 meaning of Section 6 of Article XIII B of the California
4 Constitution.

5 However, if the Commission on State Mandates determines that
6 this act contains other costs mandated by the state, reimbursement
7 to local agencies and school districts for those costs shall be made
8 pursuant to Part 7 (commencing with Section 17500) of Division
9 4 of Title 2 of the Government Code.

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